

### REMARKS

Claims 1-21 were presented for examination, are pending and are rejected.

Reconsideration is respectfully requested.

#### The 35 U.S.C. 103(a) Rejections

Claims 11-18 and 29-41 are rejected as being unpatentable over Sommargren in view of La Fleu. The rejection is respectfully traversed.

NOTE: The parent case presented claims 1-41. Claims 11-18 and 29-41 were rejected in the first and final office actions. Claims 1-10 and 19-28 were allowed. Claims 11-18 and 29-41 were canceled without prejudice. The present case is a divisional of the parent case and presents claims 11-18 and 29-41, but the present case has numbered these claims as 1-21. The Examiner has presented the same rejection of claims 11-18 and 29-41 as in the parent case, and has not renumbered the language in the rejection to correspond to the claims in the present case. There is a one-to-one correspondence between the canceled claims of the parent application (11-18 and 29-41) and the claims of the present case (1-21).

The examiner indicates that the device of Sommargren ('236) does not disclose the negative lens under test, an aperture stop, an auxiliary optical element and the lens removal. The examiner indicates that it would have been obvious for one skilled in the art to substitute the missing elements. However, before one skilled in the art would make such substitutions, it would be necessary to conceive of the idea of how

to make the measurement. The applicant describes in detail the way such a measurement would be conducted. See page 14, line 11 through page 16, line 12. The Sommargren reference does not describe or suggest such a measurement. Thus, it would not have been obvious from the reference to combine the missing elements to arrive at the applicant's invention. Therefore the rejection of claims 1 and 9 should be withdrawn. Claims 2-8 depend from claim 1 and claims 10-16 depend from claim 9. Claim 17 should be allowable for the same reasons presented for claim 1. The rejection of claims 18-21 should be withdrawn since they depend from claim 17.

Further, the LaFleu reference does not teach or make obvious the removal of the negative lens as claimed by the applicant. The examiner indicates that the reference, at column 2, lines 48-54, teaches the removal of lens system 2 to allow for system calibration, where a measurement beam is sent through the system again without the lens system in place, such that the majority of errors inherent in the system can be removed. Column 2, lines 48-54 of the reference merely states: "The amount of tilt in the interferograms can be related to distortion. For a 1x magnification system (like some lithographic lenses), the interferometer can be calibrated by placing the retroreflector binary optic above the point source binary optic and storing the resulting phase maps. For systems not of unity magnification, the interferometer must be calibrated by other methods." However, lens system 2 in the reference is a positive lens, not a negative lens as claimed by the applicant. The calibration process described in the reference would not work with a negative lens.

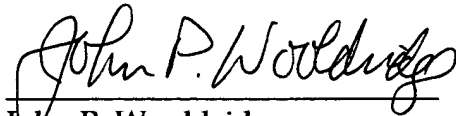
Therefore the rejection should be withdrawn.

Conclusions

It is submitted that this application is in condition for allowance based on claims 1-21 in view of the amendments thereto and the foregoing comments.

If any impediments remain to prompt allowance of the case, please contact the undersigned at 808-875-0012.

Respectfully submitted,

A handwritten signature in cursive script, reading "John P. Wooldridge". The signature is written in black ink and is positioned above a horizontal line.

John P. Wooldridge  
Attorney for Applicant  
Registration No. 38,725

Dated: December 13, 2004